

ORDINANCE NO. 583

AN ORDINANCE OF TOBYHANNA TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 571 AND REENACTING CHAPTER 9 OF THE CODE OF ORDINANCES OF TOBYHANNA TOWNSHIP RELATING TO FIRE COMPANIES, CONSISTENT WITH ORDINANCE NOS. 511 AS AMENDED BY ORDINANCE NOS. 539, 558 AND 561.

WHEREAS, the Board of Supervisors of Tobyhanna Township previously adopted Ordinance No. 511, which enacted Chapter 9 of the Township Code governing the recognition, funding, and oversight of volunteer fire companies providing fire protection services within the Township; and

WHEREAS, the Board of Supervisors thereafter adopted Ordinance No. 539, which amended certain provisions of Chapter 9 relating to the administration and oversight of the Township's recognized fire protection units; and

WHEREAS, the Board of Supervisors subsequently adopted Ordinance No. 558, which amended Chapter 9 by providing for recognition of the official fire protection unit by resolution of the Board of Supervisors and by revising the composition and qualifications of the Fire Commission; and

WHEREAS, thereafter, the Board of Supervisors adopted Ordinance No. 561, which amended certain provisions of Chapter 9 while retaining the overall structure and substantive framework established by Ordinance No. 511; and

WHEREAS, the Board of Supervisors subsequently adopted Ordinance No. 571, further amending Chapter 9 of the Township Code; and

WHEREAS, after experience with the administration of Ordinance No. 571, the Board of Supervisors has determined that the Township's interests are best served by repealing Ordinance No. 571 and restoring the prior regulatory framework established by Ordinance No. 511 as amended by Ordinance Nos. 539, 558 and 561; and

WHEREAS, the Board of Supervisors desires to repeal Ordinance No. 571 in its entirety and to reenact Chapter 9 of the Township Code in a form that fully incorporates and reinstates all substantive provisions of Ordinance Nos. 511 as amended by Ordinance Nos. 539, 558 and 561;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Tobyhanna Township, Monroe County, Pennsylvania, as follows:

ARTICLE I.

Repealer. Ordinance No. 571 and any and all provisions of the Code of Ordinances of Tobyhanna Township enacted or amended thereby, are hereby repealed in their entirety.

ARTICLE II.

Chapter 9 of the Code of Ordinances of Tobyhanna Township is hereby reenacted to read in full as follows, with all substantive provisions identical to those contained in Ordinance No. 511 as amended by Ordinance Nos. 539, 558 and 561:

CHAPTER 9 ARTICLE I FIRE COMPANIES

§ 9-1. Fire Company Recognized

The Tobyhanna Township Board of Supervisors shall recognize an official fire protection unit by resolution. Fire protection units not recognized by resolution of the Tobyhanna Township Board of Supervisors shall no longer be official fire protection units for Tobyhanna Township and are unauthorized to respond to any fires or emergencies within Tobyhanna Township.

§ 9-2. Recognized Activities of Members of Fire Company

In addition to actually fighting fires or while engaged in going to or returning from any fire, the members of the fire companies recognized by the Township are authorized to do the following things:

- A. Answer any type of fire alarm or call, whether general alarm, private call or investigation of fire report or emergency call of any type, inside or outside the Township.
- B. Attend and engage in any type of fire drill, training, practice, test, educational service, official fire company business meeting, official community outreach program, funeral and/or memorial service within Monroe County for fire company member, authorized repair or other work on fire apparatus or buildings and grounds of the fire company, fireworks display or parade within the Township when duly called or authorized by a proper officer or officers of the fire companies recognized by the Township; provided, however, that participation in any such activities outside the Township shall require prior approval from the Township Manager and at least one member of the Board of Supervisors.

§ 9-3. List of Expenditures

The official fire protection unit(s) recognized by resolution of the Tobyhanna Township Board of Supervisors shall provide the Township of Tobyhanna with an annual report of the use of the appropriated moneys from the township for each completed year including but not limited to an annual financial report (financial statement) and budget before any further payments are made to the fire companies for the current year. Once every three years the official fire protection unit(s) recognized by resolution of the Tobyhanna Township Board of Supervisors shall provide the Township of Tobyhanna with audited financial statements.

§ 9-4. Production of Certain Documents

The official fire protection unit(s) recognized by resolution of the Tobyhanna Township Board of Supervisors shall provide the Township of Tobyhanna with all training certificates and a complete roster of their active members, together with any additional information and/or documentation deemed necessary by the Township. In addition, each recognized fire company shall annually provide:

- A. A current list of the members of its associated Volunteer Firefighters' Relief Association Board of Directors; and
- B. Proof of insurance coverage, including but not limited to general liability insurance and motor vehicle insurance, in such form and amounts as may be required by the Township.

**CHAPTER 9
ARTICLE II
FIRE COMPANIES WORKERS' COMPENSATION**

§ 9-5 Title

This Article shall be known as the "Fire Companies Workers' Compensation Insurance Ordinance."

§ 9-6 Workers' Compensation Coverage

1. All volunteer members of the official fire protection unit(s) recognized by resolution of the Tobyhanna Township Board of Supervisors, each of which serves the inhabitants of Tobyhanna Township, shall be considered " employees" of the Township for purposes of receiving compensation pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P. L. 736, as amended), 77 P. S. § 601(a)(1), for injuries sustained while actively engaged in performing the following duties:

- A. Responding to alarms, including all emergency and firefighting activities related thereto; auto rescue; water rescue; hazardous materials alarms; and assistance to other municipalities (whether on an emergency scene in another municipality or on standby at the fire company when requested by another municipality); assistance to the fire police; and all special alarms as authorized by the Fire Chief or the Officer in Charge. For purposes of this paragraph, responding to alarms" shall include the volunteer firefighter' s travel from and the direct return to a firefighter' s home, place of business or other place where he or she shall have been when he or she received the call or alarm.
- B. Answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the Fire Companies.
- C. Performing repair, maintenance of or other work on fire company equipment, buildings and property at the direction of the Fire Chief or Officer in Charge.
- D. Participating in instruction fire drills and other training exercises pertaining to the

operation and certification of the fire company, including training exercises in conjunction with fire companies in other municipalities, as authorized by the Fire Chief or Officer in Charge.

E. Participating in Fire Prevention Week activities in the Township and with fire companies in other municipalities, when authorized by the Fire Chief or the Officer in Charge.

F. Except as required by the Pennsylvania Workers' Compensation Act participation in fund- raising activities of any kind shall not be allowed without the prior written authorization of the Board of Supervisors or Manager acting on behalf of the Board of Supervisors.

G. Participating in parades, equipment housings and funerals for fire personnel within Tobyhanna Township and in other municipalities only with prior written authorization by the Board of Supervisors or the Manager acting for the Board of Supervisors

H. Participating in any and all additional events or activities for which such participation is expressly pre- authorized in writing by the Board of Supervisors or the Manager acting for the Board of Supervisors.

2. Except where otherwise stated herein, nothing contained in this Section shall be considered to limit in any way the activities for which compensation is available to volunteer fire personnel or volunteer ambulance corpsmen pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P. L. 736, as amended), as set forth in 77 P. S. 601(a)(1) and/ or(a)(2).

3. If one of the Fire Companies is provided with Workers' Compensation Insurance coverage by another municipality and Tobyhanna Township is in possession of a certificate of insurance establishing such coverage, this Ordinance shall not apply and Tobyhanna Township shall be relieved from the responsibility of providing such coverage.

CHAPTER 9 ARTICLE III FIRE COMMISSION

§ 9-7 Establishment

The Board of Supervisors hereby establishes the Tobyhanna Township Fire Commission.

§ 9-8 Commission Membership

The Commission shall consist of five individuals appointed by the Board of Supervisors at their reorganization meeting each year. The Commission shall consist of the following: one (1) member from Tobyhanna Township Volunteer Fire Company, one (1) member from Pocono Summit Volunteer Fire Company, one (1) member of the Tunkhannock Township Volunteer Fire Company, one (1) Tobyhanna Township Supervisor and one (1) individual who conducts regular business within the Township. The term of each member shall be for one year. A member need

not be a resident of Tobyhanna Township. At the first meeting of the Commission in each calendar year, the Commission shall elect a Chair, Vice-Chair and Secretary.

§ 9-9 Purpose

The Commission shall serve in an advisory role to the Board of Supervisors. The Commission shall oversee the finances and administration of fire protection services within the Tobyhanna Township. No later than October 1st of each year, the Commission shall recommend a budget to the Board of Supervisors for fire protection services within Tobyhanna Township.

§ 9-10 Meetings

The Commission shall meet as often as it deems necessary but not less than four times in the calendar year. All meetings shall be publicly advertised and shall be open to the public.

ARTICLE III.

Severability. If any section, subsection, clause, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this ordinance.

ARTICLE IV.

Effective Date. This Ordinance shall take effect immediately upon enactment.

ENACTED AND ORDAINED this 15th day of June, 2026

**TOBYHANNA TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

By: Bethanne Eisler
Bethanne Eisler
Township Secretary

Ted Wolski
Ted Wolski

Joseph Colyer
Joseph Colyer

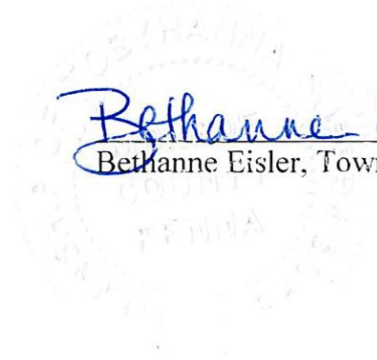
Kim Briggs Olizarowicz
Kim Briggs Olizarowicz

Edward Tutrone
Edward Tutrone

Brigitte Meyer
Brigitte Meyer

ATTEST:

I do hereby certify that this is a true and correct copy of Ordinance No. 583 of Tobyhanna Township that was adopted by the Tobyhanna Township Board of Supervisors on June 15, 2026.



Bethanne Eisler
Bethanne Eisler, Township Secretary